

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Comment on the Thousand	)	
Block Pooling Administrator	)	CC Docket No. 99-200
Technical Requirements	)	DA No. 05-3102

**COMMENTS OF THE NEBRASKA PUBLIC SERVICE COMMISSION**

The Nebraska Public Service Commission (NPSC) hereby submits these comments in response to the Commission's November 29, 2005 Public Notice for the above-captioned matter. The NPSC appreciates the opportunity to submit these Comments on the proposed Thousand Block Pooling Administrator Technical Requirements (Requirements) forwarded by the North American Numbering Council (NANC) to the Commission on August 3, 2005. The NPSC strongly opposes the adoption of sections 2.14.1; 2.17.1 and 2.18.1 of the proposed Requirements which obligates the Pooling Administrator (PA) to rely solely upon forecasted demand when determining the level of resources need in a particular rate center pool. Instead, the FCC should keep language similar to existing section 2.14.3 which allows the PA to analyze the forecast data in order to determine the appropriate level of resources.

**I. BACKGROUND**

In June of 1999 the NPSC was informed by the North American Numbering Plan Administrator (NANPA) that the 402 area code was forecasted to exhaust in the fourth quarter of 2000. As a result, the NPSC opened Docket Nos. C-2057<sup>1</sup> and C-2233<sup>2</sup> to

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<sup>1</sup> See Docket No. C-2057, *The Commission, on its own motion, seeking to conduct an investigation into the potential exhaust of assignable telephone numbers within the 402 area code* (June 1999).

conduct an investigation into the potential exhaust of assignable telephone numbers within the 402 area code and to conserve assignable numbers.

Subsequent efforts by the NPSC and carriers resulted in the voluntarily donation of numbering resources back to the numbering administrator. This action resulted in the push back of the forecasted exhaust date for the 402 area code. Meanwhile, the Commission continued to investigate other methods of number conservation. Also, in September of 1999, the NPSC filed a petition with the FCC for additional delegated authority to implement area code conservation methods for the 402 area code (NSD File No. L-99-83). In July of 2000, Nebraska was granted the authority to implement thousands-block number pooling in the Omaha MSA.<sup>3</sup>

The NPSC has historically taken proactive measures to promote the efficient use of numbering resources in the 402 area code as demonstrated by the continued extensions to the forecasted exhaust date to the 402 area code.

State	NPA	2005.2	2005.1	2004.2	2004.1	2003
Nebraska	308	3Q2026	3Q2026	1Q 2023	2Q 2026	2Q 2026
	402	2Q2007	4Q2006	2Q 2006	2Q 2006	2Q 2005

  

State	NPA	2002	2001	2000	1999	1998
Nebraska	308	2Q 2026	4Q 2033	1Q 2032	4Q 2032	1Q 2077
	402	1Q 2005	1Q 2004	2Q 2001	4Q 2000	2Q 2004

Nebraska continues to work closely with carriers and numbering plan administrators to ensure the most efficient use of numbering resources in Nebraska. Specifically, the NPSC has worked with the PA to ensure that all factors, including historical demand, are taken into consideration before codes are opened and not using just the forecasted

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<sup>2</sup> See Docket No. C-2233, *The Commission, on its own motion, seeking to conduct an investigation into the conservation of assignable numbers* (August 8, 2000).

<sup>3</sup> See *In Re Numbering Resource Optimization Implementation of Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 99-200, CC Docket No. 96-98, DA 00-1616 Order, 15 FCC Rcd. 23,371 (Jul 20, 2000).

demand by a carrier. We are unaware of any service provider who has been unnecessarily delayed in obtaining numbering resources. Our success, in large part, rests on our diligent monitoring of number resource applications and the PA not opening codes based solely on a carrier's forecasted need.

## **II. COMMENTS**

While the NPSC generally does not oppose the Requirements proposed by the North American Numbering Council (NANC), it strongly disagrees with the manner in which the PA will be required to treat service provider forecasts. Specifically, under the proposed Requirements, the PA would rely solely upon forecasted demand when determining the appropriate pool level for each rate center; no independent judgment or consideration of historical take rates and other factors would be allowed. Such a practice may result in the premature assignment of numbering resources to a particular rate center and the premature exhaust of both NPAs and the NANP.

Currently, the PA is allowed to exercise a certain amount of judgment when determining how many blocks are necessary for an individual rate center pool in order to meet the forecasted demand. The PA does not automatically open new NXX codes for the sole purpose of filling the pool for a rate center based only on service provider forecasts. Instead, the PA reviews the service provider forecasts but also considers the history of the particular rate center and/or the historical accuracy of the forecasts of a particular provider before opening a new NXX.

The PA's approach has proven to be both workable from a service provider perspective and sensible from a regulator's perspective because it allows carriers ready access to numbering resources while at the same time avoiding prematurely assigning

numbering resources to a particular rate center. According to the PA, while service providers forecasted a need of 174,322 blocks nationwide, 37,150 were actually assigned – only 21% of the forecasted need.<sup>4</sup> If the PA had opened NXXs to fill the forecasted demand, as many as 13,717 unnecessary NXXs might have been opened – a number almost equal to the total number of NXX code requests made in all of 2004.<sup>5</sup> If this trend continues and each year twice the actual number of needed NXXs are assigned, the NANP could exhaust in half the time currently projected – moving the date from 2035 to 2020. Indeed, the date could be pushed up even more because NANPA based its NANP exhaust projection on an average yearly demand of 6500 NXXs, half of the actual demand for 2004 and half of the 13,717 extra NXXs that would have been opened if the pooling forecasts were followed.<sup>6</sup>

While in some instances unnecessary resources may be reclaimed, such an approach does not work with thousand block pooling because once an NXX is opened and the blocks assigned to a particular pool, service providers are free to pick blocks from that NXX. Thus, even if at some later date the PA realizes it overstocked the pool, there may be no way to regain the full NXX because individual blocks have already been assigned. As the Commission is well aware, an NPA may be forced into jeopardy when the number of full NXXs reaches a certain level, even if there are hundreds of thousands of numbers sitting in individual rate center pools. Thus, it is crucial that every effort be made to avoid prematurely opening full NXXs to fill pools where the need has not yet materialized.

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<sup>4</sup> NANPA 2004 Annual Report at 23.

<sup>5</sup> *See id.* at 6.

<sup>6</sup> *See id.* at 55.

In October of 2005 the PA notified the NPSC that, based upon a carrier's forecasted need of 71 blocks spread over 24 rate centers, 16 new codes in the 402 area code would need to be opened to meet the forecasted need. In Nebraska, only the rate centers in the Omaha MSA currently have mandatory pooling requirements. All other rate centers are marked as pooling optional. Local carriers have been very supportive in donating numbers to the pool when a new carrier enters the area.

After a series of discussions with the requesting carrier it was agreed that only 13 rate centers had an actual need, not the 24 rate centers indicated in the forecast. The existing pool in the identified rate centers had sufficient resources for the carrier's need; therefore, *no new codes were required*. These discussions with the carrier resulted in saving numbering resources. With the adoption of proposed sections 2.14.1; 2.17.1 and 2.18.1, saving these numbering resources may never have occurred.

The Commission should also take note of the minimal difference in the timeframe numbers are available between a situation where a block is available in a pool and where the PA has to order a full NXX to fill the pool to meet a block request. Specifically, if a block is available in the pool, the INC Pooling Guidelines provide that the numbers will be available within 21 days.<sup>7</sup> If the PA must order a full NXX to fill the pool before assigning the block, the numbers will be available within 60 days – a difference of approximately 39 days, though often the time is shorter because the PA and NANPA work closely to move the process along. Indeed, according to NANPA's 2004 Annual Report, over 98% of all central office code applications were processed within 10 days.<sup>8</sup> The timing concerns are further minimized by the fact that a service

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<sup>7</sup> Thousands-Block Number (NXX-X) Pooling Administration Guidelines, section 7.4.4.

<sup>8</sup> See NANPA 2004 Annual Report at 8.

provider should have at least 250 numbers available at the time it requests new resources, i.e., when the provider reaches the 75% utilization threshold that must be met before ordering new resources. In this age where number portability allows wireline, wireless, and VOIP providers to easily port existing telephone numbers, it is difficult to imagine the circumstances, especially in a state such as Nebraska, where the carrier's existing supply would not meet its need during the 21-60 day timeframe. In addition, under the existing Guidelines, a carrier is allowed to exclude any numbers obtained within the last 90 days from its Months-to-Exhaust calculation when applying for new resources, thereby allowing the carrier to maintain a supply of 1,250 available numbers per rate center while applying for additional numbers. Accordingly, a carrier managing its numbering resources carefully would not be impacted by the potential 39-day lag to open a code to replenish the pool.

If the Commission wanted to limited the PA's ability to exercise discretion, it should simply put in place a safety valve measure which would allow service providers to bring to the Commission's attention any particular situations where the PA's exercise of discretion appears unreasonable or which repeatedly results in delays of resource availability. Such an approach would allow the PA to continue its current practices which have benefited both the public and service providers by avoiding unnecessary NPA exhaust but also provide the opportunity for relief in any limited circumstance where service providers have been unnecessarily delayed in accessing numbering resources.

### III. CONCLUSION

For the reasons described above, the NPSC opposes proposed sections 2.14.1, 2.17.1 and 2.18.1 which would require the PA to use only forecasted demand when determining the level of the pool. Imposition of such a requirement will preclude the PA from exercising reasonable judgment and discretion and will result in the premature exhaust of both individual NPAs and the NANP.

Respectfully Submitted,

NEBRASKA PUBLIC SERVICE COMMISSION

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